

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Crl.Misc.No.79293-M of 2006

DATE OF DECISION: MARCH 2, 2007

Gurdyal Singh and another

...PETITIONERS

VERSUS

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. H.S.Gill, Sr.Advocate,
with Mr.S.L.Gopal, Advocate,
for the petitioners.
Mr.N.S.Gill, AAG, Punjab.
Mr.Ritesh Pandey, Advocate,
for the complainant.

...

The petitioners apprehending their arrest in a non-bailable offence in case FIR No.234 dated 13.11.2006 registered under Section 420 IPC at Police Station Qilla Lal Singh, Tehsil Batala, District Gurdaspur, have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail.

While issuing notice of motion on December 18, 2006, the arrest of the petitioners was stayed subject to their joining the investigation.

I have heard the counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioners contends that petitioner No.1 is a retired teacher from the Education Department and petitioner No.2, who is the son of petitioner No.1, is BAMS doctor and is running a private clinic in village Dalam, Tehsil Batala, for the last about 8 years. Counsel further contends that in the aforesaid case the petitioners have been falsely implicated by complainant Mohinder Singh Randhawa, who was the colleague of petitioner No.1. It is the case of the petitioners that one Malkiat Singh was sent to Cyprus on a work permit which was got issued

to him by one Narinder Singh. The complainant and Malkiat Singh arranged the passport and later they also obtained the visa from the Embassy of Cyprus. In this regard, Malkiat Singh also furnished an affidavit to the effect that he had received work permit for Cyprus and that he had no link with any agent nor paid any money or bribe for visa. It is further the case of the petitioners that Malkiat Singh was not retained in Cyprus because he was suffering from tuberculosis, therefore, he had to return back to India. Subsequently, on the false allegations, the petitioners have been falsely implicated. Counsel contends that the earlier complaint made by the complainant was inquired into by the DSP (D), Batala and the Incharge of Anti Fraud Staff, Batala, and the allegations levelled against the petitioners were found to be false.

Counsel for the respondent-State, on instructions from ASI Darshan Kumar, does not dispute the fact that in the enquiry, DSP (D), Batala found the allegations levelled against the petitioner as not correct and also not disputed the factum of joining the investigation by the petitioner in terms of the aforesaid interim order.

In view of the aforesaid, the interim order dated December 18, 2006 is made absolute.

March 2, 2007
vkg

(SATISH KUMAR MITTAL)
JUDGE